

BILL ANALYSIS

Senate Research Center

H.B. 468
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Transportation & Homeland Security
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Enrolled

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Under current law, the Texas Education Agency (TEA) regulates driver education under a private driver training program. TEA must also print and issue certificates of completion for driver training courses. The system is logistically inefficient for both TEA and course providers.

H.B. 468 requires the course providers to print and distribute both original certificates and duplicate certificates in a manner that prevents unauthorized production or misuse of the certificates. It also requires that course providers issue and send certificates of course completion via United States mail or through a commercial delivery service.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the Texas Education Agency is modified in SECTION 1 (Section 1001.056, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner of education is modified in SECTION 1 (Section 1001.056, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1001.056, Education Code, by amending Subsections (b), (c), (e), (f), and (g) and adding Subsections (b-1) and (c-1), as follows:

(b) Requires the Texas Education Agency (TEA) to provide each licensed driving safety course provider with course completion certificate numbers to enable the provider to print and issue TEA-approved uniform certificates of course completion, rather than to print and supply each licensed course provider uniform certificates of course completion.

(b-1) Requires the certificate numbering under Subsection (b) to be serial, rather than requiring the certificates to be numbered serially.

(c) Requires TEA, by rule, to provide for the design of the certificates and the distribution of certificate numbers in a manner that, to the greatest extent possible, prevents the unauthorized production or the misuse of the certificates or certificate numbers. Deletes existing text relating to the distribution of the certificates.

(c-1) Requires a course provider to provide for the printing and issuance of original and duplicate certificates in a manner that, to the greatest extent possible, prevents the unauthorized production or misuse of the certificates.

(e) Authorizes TEA to charge a fee of not more than \$4 for each course completion certificate number. Requires a course provider that supplies a certificate for an operator to collect from the operator a fee equal to the amount of the fee paid to TEA for the certificate number. Makes conforming changes.

(f) Provides that a course provider license entitles a course provider to purchase certificate numbers, rather than certificates, for only one approved driving safety course.

(g) Requires a course provider to issue a duplicate certificate by mail or commercial delivery, rather than requiring TEA to issue duplicate certificates. Requires the commissioner of education, by rule, to determine the amount of the fee for issuance of a duplicate certificate under this subsection.

SECTION 2. Amends Section 1001.151(e), Education Code, to make a conforming change.

SECTION 3. Amends Section 1001.209(b), Education Code, to require a bond issued under Subsection (a) to be payable to the state to be used to cover the payment of unpaid fees or penalties assessed by TEA, and recover any cost associated with providing course completion certificate numbers, including the cancellation of certificate numbers, rather than to recover the cost of uniform certificates of course completion that TEA demands be returned or any cost associated with the certificates.

SECTION 4. Amends Sections 1001.351(a) and (b), Education Code, as follows:

(a) Requires a course provider or a person at the course provider's facilities, not later than the 15th working day after the course completion date, to issue, rather than mail, a uniform certificate of course completion by mail or commercial delivery to a person who successfully completes an approved driving safety course.

(b) Requires a course provider to electronically submit uniform certificates of course completion issued by the course provider to TEA, in the manner established by TEA data identified by TEA.

SECTION 5. Amends Section 1001.456(b), Education Code, as follows:

(b) Authorizes TEA, upon belief that a course provider, driving safety school, or driving safety instructor has violated this chapter or a rule or order of the commission or executive director adopted under this chapter, to take certain actions without notice, including suspending the right to purchase course completion certificate numbers, rather than uniform certificates of course completion. Makes conforming changes.

SECTION 6. Amends Sections 1001.555(a) and (c), Education Code, as follows:

(a) Provides that a person commits an offense upon knowingly selling, trading, issuing, or otherwise transferring, a uniform certificate of course completion, a course completion certificate number, or a driver education certificate to an individual, firm, or corporation not authorized to possess the certificate or number.

(c) Provides that a person commits an offense upon knowingly possessing a uniform certificate of course completion, a course completion certificate number, or a driver education certificate and is not authorized to possess the certificate or number.

SECTION 7. Effective date: September 1, 2005.